

## United States v. Marubeni Corporation (S.D. Tex. 2012)

### Nature of the Business.

Marubeni Corporation, a foreign trading company organized under the laws of Japan, was an agent of the four-company joint venture formed in 1990 for bidding on a series of contracts to design and build a liquefied natural gas plant and several expansions in Bonny Island, Nigeria. The joint venture consisted of Technip S.A., Snamprogetti Netherlands B.V., Kellogg, Brown & Root, Inc., and JGC Corporation (collectively, “TSKJ”).

### Influence to be Obtained.

According to court documents, Marubeni was hired to pay bribes to lower-level Nigerian officials in connection with the Bonny Island project. On two occasions, an employee of Marubeni allegedly met with successive holders of a top-level Nigerian office to ask the office holder to designate a representative with whom TSKJ should negotiate bribes to Nigerian government officials.

TSKJ transferred \$51 million to Marubeni’s bank account in Japan during the course of the bribery scheme, intending these funds to be used, in part, to bribe Nigerian officials. Marubeni’s alleged co-conspirators transferred another \$132 million to bank accounts controlled by Jeffrey Tesler, another agent of the joint venture, for Tesler to use to bribe Nigerian government officials.

### Enforcement.

On January 17, 2012, the DOJ and Marubeni Corporation entered into a deferred prosecution agreement under which Marubeni agreed to pay a \$54.6 million penalty. Marubeni also implemented and agreed to continue complying with a compliance and ethics program designed to prevent and detect violations of the FCPA, the anti-corruption provisions of Japanese law, and other applicable anti-corruption laws. Marubeni further agreed to engage an independent corporate compliance consultant to evaluate Marubeni’s corporate compliance program with respect to the FCPA and Japanese anti-corruption laws.

### Key Facts

**Citation.** *United States v. Marubeni Corp.*, No. 4:12-cr-00022 (S.D. Tex. 2012).

**Date Filed.** January 17, 2012.

**Country.** Nigeria.

**Date of Conduct.** 1994 – 2004.

**Amount of the Value.** Approximately \$51 million transferred to Marubeni’s bank account in Japan during the course of the bribery scheme, to be used, in part, to bribe Nigerian officials.

**Amount of Business Related to the Payment.** Approximately \$6 billion.

**Intermediary.** Sales Agent.

**Foreign Official.** Nigerian government officials.

**FCPA Statutory Provision.** Conspiracy (Anti-Bribery); Aiding and Abetting (Anti-Bribery).

**Other Statutory Provision.** None.

**Disposition.** Deferred Prosecution Agreement.

**Defendant Jurisdictional Basis.** Conspirator; Aider and Abettor.

**Defendant’s Citizenship.** Japan.

**Total Sanction.** \$54,600,000.

**Compliance Monitor/Reporting Requirements.** Compliance Monitor.

**Related Enforcement Actions.** None.